

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

**United States District Court
for
the District of Nevada**

**PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION**

Name of Offender: **Jose Angel Celedon**

Case Number: **2:20CR00246**

Name of Sentencing Judicial Officer: **Honorable John Antoon**

Date of Original Sentence: **November 20, 2008**

Original Offense: **Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Hydrochloride**

Original Sentence: **188 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **October 26, 2018**

Date Jurisdiction Transferred to District of Nevada: **September 18, 2020**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

To issue a warrant.

To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

RE: Jose Angel Celedon

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A. Celedon tested positive for marijuana on the following dates:

January 21, 2020
January 30, 2020
February 3, 2020
February 8, 2020
February 18, 2020
February 28, 2020
March 3, 2020
March 4, 2020
March 8, 2020
May 5, 2020
June 2, 2020
June 6, 2020
July 19, 2020
July 27, 2020
October 1, 2020

B. Celedon failed to report to drug testing on the following dates:

April 11, 2020
August 29, 2020
September 8, 2020
September 26, 2020
September 28, 2020

C. Celedon stalled and was unable to provide urinalysis on August 9, 2020.

2. **Work Full Time** - You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

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Since Celedon commenced supervision on October 26, 2018, he has failed to work at a lawful occupation and has not provided an acceptable reason for not being employed.

U.S. Probation Officer Recommendation:

The term of supervision should be:

- Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on October 1, 2020


2020.10.02
13:22:25
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Nickie Pipilakis
United States Probation Officer

Approved:



Digitally signed by
Todd J. Fredlund
Date: 2020.10.02
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Todd J. Fredlund
Supervisory United States Probation Officer

RE: Jose Angel Celedon

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THE COURT ORDERS

- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:

Jean C. Mahan
Signature of Judicial Officer

October 5, 2020

Date

RE: Jose Angel Celedon

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JOSE ANGEL CELEDON, 2:20CR00246

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
October 1, 2020

On November 20, 2008, Jose Angel Celedon appeared before the Honorable John Antoon, II in the Middle District of Florida for sentencing following his plea of guilty to Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Hydrochloride. Celedon was sentenced to 188 months imprisonment and five (5) years supervised release. Celedon commenced supervised release on October 26, 2018 in the District of Nevada.

Since Celedon commenced supervision on October 26, 2018, he has failed to work at a lawful occupation and has not provided an acceptable reason for not being employed. Celedon tested positive for marijuana on January 21, 2020, January 30, 2020, February 3, 2020, February 8, 2020, February 18, 2020, February 28, 2020, March 3, 2020, March 4, 2020, and March 8, 2020.

On March 4, 2020, Celedon reported to the probation office and met with Supervisory Probation Officer Fredlund to discuss positive drugs tests. Celedon stated he began smoking marijuana a day or two after Thanksgiving, claiming daily use, upwards of 10 times per day, until January 20, 2020.

Celedon stated he got "complacent", and that he has no problems stopping use, as he claims he already has. Substance abuse treatment was discussed with Celedon in which he stated he did not need treatment, as he could control his use and is not problematic. SUSPO Fredlund discussed modifications to his special conditions, to include; search, employment (comport with 9th circuit case law), 40 hours community service work as sanction, and cognitive behavioral therapy. Celedon offered no objections and signed the Prob 49 Hearing Waiver.

On March 4, 2020, this office informed the Middle District of Florida of Celedon's violations, seek modification to conditions of supervision, and to request transfer of jurisdiction. Due to Celedon's continued marijuana use and the fact he remains unemployed, the probation office requested a modification to require Celedon to complete 40 hours of community service work within three (3) months, provision for warrantless search, and cognitive behavioral therapy. On March 23, 2020, the Honorable Marcia Morales Howard modified Celedon's special conditions to include 40 hours of community service work within three (3) months, provision for warrantless search, and cognitive behavioral therapy.

On March 31, 2020, Celedon attended an assessment for cognitive behavioral therapy and began treatment at the vendor Choices. On April 27, 2020, Celedon submitted negative urinalysis and it appeared that he was taking steps in the right direction.

Celedon tested positive for marijuana on May 5, 2020, June 2, 2020, June 6, 2020, July 19, 2020,

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July 27, 2020, and October 1, 2020. Celedon's positive urine drug tests that were listed above were sent to Alere Toxicology Services for interpretation to determine if new drug use occurred or if the positive results were due to residuals.

According to Alere Toxicology Services interpretation letter dated July 27, 2020 regarding drug tests dated May 5, 2020, June 2, 2020, June 6, 2020, and July 19, 2020; the toxicologist indicated that the positives on June 2, 2020, June 6, 2020, and July 19, 2020 were determined to be new use on each date.

On July 20, 2020, Celedon successfully completed cognitive behavioral therapy at the treatment vendor Choices. According to the counselor at Choices, "since the start of MRT the client did not agree with any of the steps and felt like it was not for him. Towards the middle of the 12 steps the client began to open and accept why he was there. To be honest the client completed MRT only because he was ordered to. The only thing he took away as he stated was his goals and planning for his future. His negative attitude and denial will never allow him to grow in life".

On August 13, 2020 during a home visit, Celedon admitted that he has continued to smoke marijuana and will continue to do so while on supervised release. Celedon was asked how he continues to purchase marijuana to use while he has been unemployed his entire time on supervised release for nearly two years. Celedon explained that random people have been providing him with marijuana to use for free.

Celedon stalled and was unable to provide urinalysis on August 9, 2020. Celedon failed to report for drug testing on April 11, 2020, August 29, 2020, September 8, 2020, September 26, 2020, and September 28, 2020.

On September 18, 2020, your honor accepted the transfer of jurisdiction from Middle District of Florida to the District of Nevada.

As indicated in this report. Celedon has tested positive for marijuana and admitted to such use on more than three (3) occasions within the past ten (10) months. Pursuant to 18 U.S.C. § 3583 (g)(4) revocation is mandatory for testing positive for an illicit substance more than three (3) times in a 12-month period.

Celedon has been informed multiple times continued missing of drug testing and marijuana use will result in our office requesting an appearance before Your Honor to show cause why supervision should not be revoked. He has continued not reporting to drug testing at the treatment vendor and using marijuana. The probation office is requesting the issuance of a summons, and a hearing held to address the violations contained within this report.

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Respectfully submitted,


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Nickie Pipilakis
United States Probation Officer

Approved:



Digitally signed by Todd
J. Fredlund
Date: 2020.10.02
12:12:22 -07'00'

Todd J. Fredlund
Supervisory United States Probation Officer